

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 18-21, 24, 25, 27-36, 38, 39, and 42-49 are presently pending in the present application. Claims 18, 24, 33, and 38 have been amended by way of the present Amendment. Claims 1-17, 22, 23, 26, 37, 40, and 41 have been canceled without prejudice or disclaimer. No new matter is introduced by this amendment.

The Office Action rejected claims 18, 20, 23-25, 27, 29-33, 35, 38, 39, 42, and 44-49 under 35 U.S.C. §103(a) as being unpatentable over *Engstrom* (U.S. Patent No. 7,065,333) in view of *Dahlin et al.* (U.S. Patent No. 6,122,263) and *Guterman* (U.S. Patent No. 7,062,303); claims 19, 21, 34 and 36 under 35 U.S.C. §103(a) as being unpatentable over *Engstrom* in view of *Dahlin et al.*, *Guterman*, and *Na et al.* (U.S. Patent 7,031,746); and claims 28 and 43 under 35 U.S.C. §103(a) as being unpatentable over *Engstrom* in view of *Dahlin et al.*, *Guterman*, and *Wakamatsu* (U.S. Pub. No. 2001/0029196).

Regarding the rejections of the claims under 35 U.S.C. §103(a), the Applicants respectfully traverse and request the withdrawal of the obviousness rejections for the reasons set forth below.

MPEP §2141 notes that the Patent Office bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. MPEP §2142 further notes that “[t]o reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before it was made. Knowledge of applicant's disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the "differences," conduct the

search and evaluate the "subject matter as a whole" of the invention. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.”

The Applicants submit that the Office Action fails to establish a *prima facie* case of obviousness for the claims as they are set forth herein, since there is no evidentiary support for the conclusion that the features recited in the claims were known at the time of the present invention. Accordingly, the Applicants request that such evidentiary support be placed on the record, or the obviousness rejections withdrawn.

Independent claim 18 recites, among other features, receiving data from a broadcast network; processing the received data; outputting the processed data; in response to an interruption, proceeding in a first resource saving mode by continuing to receive data from the broadcast network but not processing and not outputting said received data; and proceeding in a second resource saving mode in which no data is received from the broadcast network, after operating in the first resource saving mode for a first predetermined time period, wherein **the step of receiving data from the broadcast network comprises filtering the received data in order to discard unwanted data.** Independent claim 33 recites, among other features, a receiver arranged to receive data from a broadcast network; at least one processor arranged to process the received data and to cause output of the processed data; and at least one memory including computer program code for one or more programs, the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following, in response to an interruption the data receiving device being arranged to operate in a first resource saving mode in which the receiver remains active but received data is not processed by the processor and not output, and the data receiving device

being arranged to operate in a second resource saving mode in which the receiver is deactivated, after operating in the first resource saving mode for a first predetermined time period, and the data receiving device being configured to, after operating in said second resource saving mode for a second predetermined time period, deactivate an application configured to output the processed data, and wherein **the receiver comprises a filter configured to extract selected data from the received data for processing and for discarding of unwanted data.** The Applicants submit that the applied references, either when taken singularly or in combination, fail to disclose or suggest all of the above limitations of independent claims 18 and 33.

The Office Action cites *Engstrom* for the teaching of many of the features recited in claims 18 and 33. For example, with regard to the receiving of data from a broadcast network, the processing of the received data, and the outputting of the processed data, the Office Action cites to tuners (452, 453), audio interface (454) and (speakers, not shown), respectively. Additionally, with regard to previously pending claim 23, the Office Action cites the tuners (452, 453) for the teaching of the filtering of received data. However, the Applicants submit that the tuners described in *Engstrom* do not filter **received** data, but rather provide a manner in which to select what data is received. For example, an FM tuner as described as an example in *Engstrom*, does not receive data across all frequencies of the FM tuner, and then filter out the desired frequency from the received data, but rather can merely select a desired frequency by which to actually receive data. *Engstrom* does not disclose or suggest a step of **receiving data from a broadcast network that comprises filtering the received data in order to discard unwanted data** in the manner recited in claim 18, or a **receiver that comprises a filter configured to extract selected data from the received data for processing and for discarding of unwanted data** in the manner recited in claim 33.

The Applicants further submit that *Dahlin et al.* and *Guterman* are not cited for and do not disclose or suggest the filtering of received data for processing or for discarding of unwanted data. No such filtering is discussed in either reference.

Accordingly, the Applicants submit that the applied references, either when taken singularly or in combination, fail to disclose or suggest all of the limitations recited in independent claims 18 and 33. Therefore, the Applicants respectfully request the withdrawal of the obviousness rejection of independent claims 18 and 33.

The dependent claims are considered allowable for the reasons advanced for independent claim from which they respectively depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respective independent claim.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9957 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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